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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division**

FEDERAL TRADE COMMISSION,
Plaintiff,

v.
INC21.com CORPORATION, et. al.,
Defendants.

Case No. CV 10-00022

WRIT OF EXECUTION

TO THE UNITED STATES MARSHAL:

On September 21, 2010, a judgment in a civil case ("judgment") was entered in the United States District Court for the Northern District of California in the above-captioned matter in favor of the Federal Trade Commission filed ("FTC"), plaintiff, and against John Yu Lin, defendant, jointly and severally with others, in the amount of \$37,970,929.57. Defendant's last known address is 1137 Webster Street, San Francisco, CA 94115.

As of the date of the Application for this Writ, John Lin has paid and/or been credited with a total sum of \$2,288,930.24 to the judgment debt. As of January 31, 2011, there is a balance due of approximately \$35,681,999.33 on the judgment debt.

CASE NO. CV 10-00022 WHA
WRIT OF EXECUTION

1 NOW, THEREFORE, YOU ARE COMMANDED to proceed without delay to satisfy the
2 judgment by levying on and selling property in which the Defendant has a substantial nonexempt
3 interest, but not to exceed property reasonably equivalent in value to the balance of the judgment
4 by executing on property of the Defendant including:

5 Real property located at
6 1137 Webster Street
7 San Francisco, California 94115
Parcel Number 1270150010032.

8 You shall levy on real property by posting a copy of the writ and notice of levy on the
9 property, describing in the notice of levy the property.

10 You shall file a copy of the notice of levy in the same manner in which a notice of tax lien
11 would be filed under paragraphs (1) and (2) of Section 6323(f) of the Internal Revenue Code of
12 1986. You shall also serve a copy of the writ and notice of levy on the defendants against whom
13 the writ was issued and the person who has possession of the property subject to the writ in the
14 same manner that a summons is served in a civil action and make the return thereof.

15 You shall conduct the sale of the property pursuant to 28 U.S.C. § 3203 and the provisions
16 of the Federal Debt Collection Procedures Act, 28 U.S.C. § 3001, et. seq.


17 You shall comply with the requirements of 28 U.S.C. § 3203(h) for the disposition of the
18 sale proceeds and may deduct your reasonable expenses from the proceeds of any sale as the
19 statute allows.

20 You shall endorse, in the space provided below, the exact date and hour of receipt of this
21 writ of execution. You shall make a written record of every levy, specify the property on which
22 the levy is made, the date on which the levy is made, and your costs, expenses, and fees.

23 You shall further make a written return to the Court on each writ of execution stating
24 precisely what was done pursuant to the writ, and to deliver a copy thereof to the Attorney for
25 the Federal Trade Commission who requested the writ. The writ shall be returned not more than
26 90 days after the date of issuance if levy is not made, or if levy is made then the writ shall be
27 returned not more than 10 days after the date of sale of the property on which levy is made.

1 ISSUED on the 8 day of FEBRUARY, 2011.

2
3 Richard W. Wicking
4 Clerk of the U.S. District Court

5 By:  **WILLIAM NOBLE**
6 Deputy Clerk
7

8
9 U.S. MARSHAL'S ENDORSEMENT

10 (28 U.S.C. 3203(d)(3)(A))
11

12
13 Date writ received: _____

14 Time writ received: _____
15

16 Signature of Authorized

17 Deputy U.S. Marshal: _____

18 (signature)

19 _____
20 (type or print name)
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division**

FEDERAL TRADE COMMISSION,
Plaintiff,

v.

INC21.com CORPORATION, et. al.,
Defendants.

Case No. CV 10-00022

- (1) **CLERK'S NOTICE OF
EXECUTION AND
INSTRUCTIONS TO
DEFENDANT;**
- (2) **REQUEST FOR
HEARING FORM;**
- (3) **NOTICE TO
DEFENDANT ON HOW
TO CLAIM
EXEMPTIONS; AND**
- (4) **CLAIM OF
EXEMPTION FORM**

**CLERK'S NOTICE OF EXECUTION
AND INSTRUCTIONS TO DEFENDANT**

Pursuant to 28 U.S.C. § 3202(b), you are hereby notified that real property located at
1137 Webster Street, San Francisco, California 94115, parcel number 1270150010032, is being
taken by the United States Government, which has a court judgment in favor of the Federal

1 Trade Commission in case number CV 10-00022 WHA (Northern District of California) of
2 \$37,970,929.57 for restitution, and a balance of approximately \$35,681,999.33 remains due as of
3 January 31, 2011.

4 In addition, you are hereby notified that there are exemptions under the law which may
5 protect some of this property from being taken by the government if the defendant, John Yu Lin,
6 can show that the exemptions apply. The attached "Notice to Defendant on How to Claim
7 Exemptions" and "Claim of Exemption Form" summarizes the major exemptions that apply in
8 most situations in the State of California, and provide instructions on how to file a claim for
9 exemption.

10 Instructions to Defendant

11 A. Request For Hearing For Return of Property Pursuant to 28 U.S.C. § 3202(b).

12 If you are John Yu Lin, you have a right to ask the Court to return your property to you if
13 you think the property the government is taking qualifies under one of the exemptions, or for a
14 default judgment if you think you do not owe the money to the government that it says you do.

15 If you want a hearing to ask the Court for the return of your property, pursuant to 28
16 U.S.C. § 3202(b), you must notify the Court within 20 days after you receive this notice. You
17 must make your request in writing, and either mail it or deliver it to the Clerk of the Court at:

18 Clerk, United States District Court
19 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102

20 If you wish, you may use the attached "Request For Hearing" form to request the hearing by
21 checking the appropriate boxes and mailing it or delivering it to the Clerk of the Court at the
22 above address. You must also send a copy of your written request for hearing to the Federal
23 Trade Commission at the following address so that the Federal Trade Commission will know
24 that you want a hearing:

25 Douglas V. Wolfe
26 Attorney, Federal Trade Commission
27 600 Pennsylvania Ave., N.W.
Suite M-8102 B
Washington, DC 20580.

1 Pursuant to 28 U.S.C. § 3202(b), the hearing will take place within 5 days after the Clerk
2 receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

3 At the hearing, you may explain to the judge why you believe the property taken by the
4 government is exempt, or for a default judgment why you think you do not owe the money to the
5 government. If you do not request a hearing within 20 days of receiving this notice, your
6 property may be sold at public auction and the payment used toward the money you owe the
7 government. Pursuant to 28 U.S.C. § 3202(d), however, please note that the issues at the hearing
8 are limited:

- 9 1. to the probable validity of any claim of exemption;
- 10 2. to compliance with any statutory requirements for the issuance of the
11 postjudgment remedy granted; and,
- 12 3. in the event the judgment is by default (and only to the extent that the
13 Constitution or another law of the United States provides a right to a hearing on
14 the issue), to:
 - 15 a. the probable validity of the claim for the debt which is merged in the
16 default judgment, and
 - 17 b. the existence of good cause for setting aside such judgment.

18 B. Request for Transfer of Proceedings by Defendant.

19 If you live outside the Northern District of California, which is comprised of the counties
20 of Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa,
21 San Benito, Santa Clara, Santa Cruz, San Francisco, San Mateo, and Sonoma, you may request,
22 not later than 20 days after you receive this notice, that the Court transfer this proceeding to take
23 your property to the Federal judicial district in which you reside. You must make your request
24 in writing, and either mail it or deliver it to the Court at the following address:

25 Clerk, United States District Court
26 450 Golden Gate Avenue, 16th Floor
San Francisco, CA 94102.

27 You must also send a copy of your request to the attorney for the Federal Trade Commission at
28


1 the following address so that the government will know that you want the proceeding to be
2 transferred:

3 Douglas V. Wolfe
4 Attorney, Federal Trade Commission
5 600 Pennsylvania Ave., N.W.
6 Suite M-8102 B
7 Washington, DC 20580.

8 Be sure to keep a copy of this notice for your own records. If you have any questions
9 about your rights or about this procedure, you should contact a lawyer, an office of public legal
10 assistance, or the Clerk of the Court. The Clerk is not permitted to give legal advice, but can
11 refer you to other sources of information.

12 RICHARD W. WIEKING,
13 Clerk of the United States
14 District Court for the Northern
15 District of California

16 Dated: FEB 08 2011

17 By:  WILLIAM NOBLE
18 Deputy Clerk

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **San Francisco Division**

11 **FEDERAL TRADE COMMISSION,**
12 **Plaintiff,**
13 **v.**
14 **INC21.com CORPORATION, et. al.,**
15 **Defendants.**

Case No. CV 10-00022

REQUEST FOR HEARING

16 I request that the Court hold a hearing in this matter for the following reason(s):

- 17 ☐ I claim an exemption in the property that the United States is taking. See the
18 attached Claim for Exemption Form.
- 19 ☐ I assert that the statutory requirements for the issuance of the writ of
20 garnishment have not been complied with.
- 21 ☐ The judgment against me was obtained by default, and I assert that I do not
22 owe the judgment debt.

23 Dated: _____

Signature: _____

24 Name: _____
(Type or print)

25 Address: _____
26 _____
27 _____

28 Telephone Number: _____
(Include home and daytime
phone numbers)

CERTIFICATE OF SERVICE

I, _____, declare:

That I am a citizen of the United States and live in the County of

_____, California; that my address is

_____; that I am over the
age of eighteen years; and that I am not a party to the above-entitled action;

That on _____, I deposited in the United States mails, in an envelope
bearing the requisite postage, a copy of REQUEST FOR HEARING addressed to:

Douglas V. Wolfe
Attorney, Federal Trade Commission
600 Pennsylvania Ave., N.W.
Suite M-8102 B
Washington, DC 20580

at his last known address at which place there is service by United States mail.

This Certificate is executed on _____, at _____,
California.

I certify under penalty of perjury that the foregoing is true and correct.

(Sign above and type or print
name below)

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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10 **San Francisco Division**

11 FEDERAL TRADE COMMISSION,
12 Plaintiff,
13 v.
14 INC21.com CORPORATION, et. al.,
15 Defendants.

Case No. CV 10-00022

16
17 **NOTICE TO DEFENDANT ON**
18 **HOW TO CLAIM EXEMPTIONS**

19 The attached pre-judgment or post-judgment process has been issued on request of the
20 Federal Trade Commission.

21 The law provides that certain property and wages cannot be taken. Such property is said
22 to be exempted. The attached Claim for Exemption Form lists the major exemptions under
23 federal and applicable state law. There is no exemption solely because you are having difficulty
24 paying your debts.

25 If you claim an exemption, you should (i) fill out the attached Claim for Exemption Form
26 and Request for Hearing form, and (ii) deliver or mail the original of both forms to the Clerk's
27 Office United States District Court, 450 Golden Gate Avenue, San Francisco, CA 94102. You
28 also need to send a copy of both forms to the Federal Trade Commission, Attn: Douglas V.
Wolfe, Division of Enforcement, 600 Pennsylvania Ave., N.W., Suite M-8102 B, Washington,

1 DC 20580. To show the court that you sent a copy of the Request for Hearing form to the
2 Federal Trade Commission, you need to complete and file the Certificate of Service attached to
3 the Request for Hearing form.

4 On the day of the hearing, you should come to court ready to explain why your property
5 is exempted, and you should bring any documents which may help you prove your case. If you
6 do not come to court at the designated time and prove that your property is exempt, you may lose
7 some of your rights.

8 If you have questions regarding your exemption rights or do not understand them, you
9 should seek the advice of an attorney.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

FEDERAL TRADE COMMISSION,
Plaintiff,
v.
INC21.com CORPORATION, et. al.,
Defendants.

Case No. CV 10-00022

**CLAIM OF EXEMPTION
FORM**

NOTICE

You may claim certain property as exempt. You have to choose between two exemptions schemes. 28 U.S.C. § 3014(a). You may not choose both schemes and you may not pick and choose between them.

1. **First Scheme:** Federal Bankruptcy Law Exemptions (11 U.S.C. § 522(d)), shown below,

OR

2. **Second Scheme:** A combination of Federal and State Exemptions, shown below.

Please note that the descriptions below are summaries of complicated statutes. Also, the list provided includes important exemption claims, but may not include exemptions applicable in unusual situations or to your case. You should refer to applicable law for complete descriptions of the provisions set out below and for other laws that may apply in your situation.

The law of the State where you have been domiciled the greater part of the last 180 days governs your right to exemptions.

First Scheme: Bankruptcy Code (Title 11, United States Code) (11 U.S.C. § 522(d))¹:

		<u>Amount Claimed</u> <u>Exempt</u>
(a)	\$21,625 of equity in your residence . 11 U.S.C. § 522(d)(1).	\$ _____
(b)	\$3,450 of equity in a motor vehicle . 11 U.S.C. § 522(d)(2).	\$ _____
(c)	\$11,525 in personal property, household furnishings and apparel , but no single item can have a value greater than \$550. 11 U.S.C. § 522(d)(3).	\$ _____
(d)	Jewelry worth up to \$1,450. 11 U.S.C. § 522(d)(4).	\$ _____
(e)	Property totaling up to \$1,150 in value, plus up to \$10,825 of any unused amount of the exemption provided in (a), above. 11 U.S.C. § 522(d)(5).	\$ _____
(f)	\$2,175 of equity in professional books, implements, or tools of your trade or your dependant's trade. 11 U.S.C. § 522(d)(6).	\$ _____
(g)	Any unmatured life insurance contract owned, other than credit life insurance. 11 U.S.C. § 522(d)(7).	\$ _____
(h)	The aggregate value, up to \$11,525, of any accrued dividend or interest under, or loan value of, any unmatured life insurance contract you own, but only if you are the insured or you are a dependant of the insured. 11 U.S.C. § 522(d)(8).	\$ _____
(I)	Professionally prescribed health aids for you or your dependents. 11 U.S.C. § 522(d)(9).	\$ _____
(j)	Your right to receive:	
(1)	a social security benefit, unemployment compensation, or a local public assistance benefit;	
(2)	a veteran's benefit ;	
(3)	a disability, illness, or unemployment benefit ;	
(4)	alimony , support, or separate maintenance to the extent reasonably necessary for the support of the debtor and any dependent of the debtor;	
(5)	a payment under a stock bonus , pension, profitsharing, annuity, or similar plan or contract on account of illness, disability, death, age, or length of service, to the extent reasonably necessary for the support of the debtor and the debtor's dependents unless certain exceptions apply. 11 U.S.C. § 522(d)(10).	\$ _____

¹ Exemption amounts applicable to actions taken on or after April 1, 2007.

(k) Your right to receive, or property that is traceable to:

- (1) an award under a **crime victim's** reparation law;
- (2) a payment on account of the **wrongful death** of a person you were dependent on;
- (3) a payment from a **life insurance** policy for someone you were dependent on;
- (4) a payment not to exceed \$21,625 for **personal injury** suffered by you or someone you were dependent on;
- (5) a payment in compensation for **lost earnings** by the debtor or someone the debtor is dependent on. \$ _____
11 U.S.C. § 522(d)(11).

(l) **Retirement funds** to the extent they are exempt under certain sections of the Internal Revenue Code. 11 U.S.C. § 522(d)(12). \$ _____

Second Scheme: Combination of Federal and State Exemptions

You may choose from both Federal (Part I) and State (Part II) exemptions in this scheme 28 U.S.C. § 3014:

Part I: Federal Law Exemptions:

1. **Social Security** benefits and Supplemental Security income. 42 U.S.C. § 407. \$ _____
2. **Veterans'** benefits. 38 U.S.C. § 3101. \$ _____
3. Members of **armed services**. 10 U.S.C. § 1440, 38 U.S.C. § 562. \$ _____
4. Federal **civil service retirement** benefits. 5 U.S.C. § 8346 and 22 U.S.C. § 4060(c). \$ _____
5. Annuities to survivors of **federal judges**. 28 U.S.C. § 376(n). \$ _____
6. **Longshoremen and Harborworkers** Compensation Act. 33 U.S.C. § 916. \$ _____
7. **Black lung** benefits. 30 U.S.C. §§ 931(b)(2)(F) and 932(a). \$ _____
8. **Seaman's, master's or fisherman's wages**, except for child support or spousal support and maintenance. 46 U.S.C.A. §§ 1108-1109(a-c). \$ _____
- Exemptions listed under 1 through 8 above may not be applicable in child support and alimony cases. 42 U.S.C. § 659.
9. **Railroad retirement**, pension, unemployment benefits. 45 U.S.C. §§ 231(m), 352(e). \$ _____
10. Compensation for **war risk hazard**. 42 U.S.C. § 1717. \$ _____

Part II: State Law Exemptions:

1. **Homestead for residential property.** CCP § 704.730.

Single	\$75,000
Married/Head of Household	\$100,000
Elderly/Disabled	\$175,000

\$ _____

The following items are indexed to inflation and will adjust pursuant to applicable law (see <http://www.courtinfo.ca.gov/cgi-bin/forms.cgi> (under AOC forms))

2. **Motor vehicle** (including proceeds of sale of motor vehicle), not to exceed \$2,725. CCP § 704.010.

\$ _____

3. **Material** for repair of residence, not to exceed \$2,875. CCP § 704.030.

\$ _____

4. **Jewelry, heirlooms, art.,** not to exceed \$7,175. CCP § 704.040.

\$ _____

5. **Personal property** used by debtor or spouse in a trade or business, not to exceed \$7,175. If a vehicle is included, it may not exceed \$4,850. CCP § 704.060.

\$ _____

6. **Personal property** used by both spouses in trade or business, not to exceed \$14,350. CCP § 704.060.

\$ _____

7. **Deposit accounts** used for public benefits and Social Security, amount varies from \$1,425 to \$4,300, depending on whether account is jointly held by two payees, etc. CCP § 704.080(b).

\$ _____

8. **Inmate trust account**, not to exceed \$1,425, unless related to a fine or restitution, and then may not exceed \$300). CCP § 704.090.

\$ _____

9. **Loan value of unmaturred life insurance**, not to exceed \$11,475. CCP § 704.100.

\$ _____

The following items are not indexed to inflation, and are only adjusted periodically by the Legislature of California.

10. **Personal property, including furnishings, appliances, apparel,** if ordinarily and necessarily necessary to and used by judgment debtor and household. CCP § 704.020.

\$ _____

11. **Health aids** reasonably necessary to judgment debtor, spouse, or dependent. CCP § 704.050.

\$ _____

12. **Wages, Salary, Commission & Bonus.** All earnings prior to be disbursed by an employer and seventy-five percent of the disposable earnings once they have been deposited, subject to limitations. CCP §§ 704.070, 704.113(c), 706.011, 706.050, and 706.052. \$ _____
13. **Public retirement** benefits including pensions, annuities, retirement, death, disability, or other benefits, are exempt except to the extent the judgment is for support of child, spouse, or family. CCP § 704.110. \$ _____
14. **Vacation credits** accrued by a state employee are exempt. CCP § 704.113. \$ _____
15. **Private retirement accounts**, including retirement plans, profit-sharing plans, self-employed retirement plans, IRAs or accounts, are exempt prior to distribution by the plan. When payable, they are exempt to the extent necessary to provide support for debtor at retirement. CCP § 704.115. \$ _____
16. **Unemployment compensation** paid by the state, unemployment compensation paid by an employer or other organization are exempt. CCP § 704.120. \$ _____
17. **Disability** compensation is exempt. CCP § 704.130. \$ _____
18. **Insurance benefits**, including unmatured life insurance, loan value on life insurance policies, and benefits which have matured, are exempt in varying amounts. CCP §§ 704.100, 704.130.
19. **Personal injury & wrongful death.** The cause of action for personal injury or wrongful death is exempt. An award arising out of personal injury or wrongful death is exempt to the extent necessary for the support of dependents. If an award or settlement is payable periodically, however, a creditor may take the same amount available under a wage garnishment. CCP §§ 704.140, 704.150. \$ _____
20. **Relocation benefits** are exempt. CCP § 704.180. \$ _____
21. **Cemetery Plots** are exempt. CCP § 704.200. \$ _____
22. **Financial Aid** supplied to higher education students is exempt. CCP § 704.190. \$ _____
23. Claim for **additional earnings**, necessary for the support of the debtor or debtor's family. Cal. Code Civ. Proc. § 706.051. \$ _____
24. **Workers' Compensation.** Exempt, except as otherwise provided in Labor Code. CCP § 704.160; Cal. Labor Code § 4901. \$ _____
25. **Business licenses** are exempt. CCP §§ 695.060 and 699.720(a)(1). \$ _____

1 26. **Fidelity Bonds** are exempt. Cal. Labor Code § 404. \$ _____

2 27. **Fraternal Benefit Society** benefits are exempt. CCP § 704.170 \$ _____

3
4 The statements made in this claim of exemptions are listed at fair market value of the property designated, and I certify under penalty of perjury that they are true and correct.

5
6
7 Debtor's name _____
8 (PLEASE PRINT)

Signature of debtor _____

9 Date _____